

Polling Vote Record

Committee on Transportation and Information Infrastructure

Date: Thursday, January 15, 2004

Ballot Deadline: Tuesday, January 20, 2004 by 12:00 PM

Bill Number: Assembly Bill 161

Motion: *Concurrence of Assembly Bill 161.*

Moved by: Senate Committee on Transportation and Information Infrastructure

Committee Member

Senator Joseph Leibham

Aye



No



Not Voting



Signature:

J. Leibham

Ballot Rec'd:

Date: 20-Jan-04 **Time:** 1200 **Signature:**

D. L. Lofstedt

Polling Vote Record

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Moved by: Senate Committee on Transportation and Information Infrastructure

Committee Member

Senator Ted Kanavas

Aye



No



Not Voting



Signature:

Ted

Ballot Rec'd:

Date: 16-JAN-04 **Time:** 1200 **Signature:**

al. C. W. Stoltz

Polling Vote Record

Committee on Transportation and Information Infrastructure

Date: Thursday, January 15, 2004

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Moved by: Senate Committee on Transportation and Information Infrastructure

Committee Member

Senator Neal Kedzie

Aye

☒

No

☐

Not Voting

☐

Signature:

Neal F. Kedzie

Ballot Rec'd:

Date: 20-JAN-04

Time: 1150

Signature:

D.L. Wistad

Polling Vote Record

Committee on Transportation and Information Infrastructure

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Moved by: Senate Committee on Transportation and Information Infrastructure

Committee Member

Senator Roger Breske

Aye



No



Not Voting



Signature:

Roger Breske

Ballot Rec'd:

Date: 20-JAN-04 **Time:** 1120 **Signature:**

D.L. Hilst

Polling Vote Record

Committee on Transportation and Information Infrastructure

Date: Friday, January 16, 2004

Ballot Deadline: Tuesday, January 20, 2004 by 12:00 PM

Bill Number: Assembly Bill 161

Motion: *Concurrence of Assembly Bill 161.*

Moved by: Senate Committee on Transportation and Information Infrastructure

Committee Member

Senator Mark Meyer

Aye



No



Not Voting



Signature: _____

Mark Meyer

Ballot Rec'd:

Date: 20-Jan-04 Time: 1150 Signature: _____

D. L. Lofstedt

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as of Monday, December 15, 2003

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Assembly Bill 161

the use of a flashing or rotating amber light on certain motor trucks.

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161

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2003 Regular Session

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Erickson, Dan

From: Erickson, Dan
Sent: Wednesday, November 27, 2002 9:32 AM
To: 'Rep.Musser@legis.state.wi.us'
Cc: Sartorius, Gary
Subject: Use of School Bus Red Warning Lights within Municipalities

Dear Assemblyman Musser:

The Tomah Area School District's Transportation Department has a matter we wish to have clarified and, more importantly, improved upon.

Your attention is directed to Wisconsin Statutes 346.475, 346.48 (2) (a) (b) and 349.21 (1) (2). Handicapped children are addressed in 346.475 but not in the school bus statutes 346.48 and 349.21. This school district transports a number of students who are mobile only with the assistance of a wheel chair.

There are times the school bus cannot drive off the road or street to load or unload a wheel chair student. It can take upwards of five (05) minutes for a loading or unloading procedure to be completed. If the student lives on a street that has curb and sidewalk on one side, but not the other side, the red warning lights must be used per S.346.48 regardless of local ordinance(s) in effect under S.349.21. The use of red warning lights continuously for up to five (05) minutes can be a serious safety hazard and is a grave concern on the part of this department.

Below is Traffic Code 7.09, the first from the City of Tomah, the second from the City of Sparta. Both are presented verbatim.

7.09 "USE OF FLASHING RED WARNING LIGHTS BY SCHOOL BUS OPERATORS. No school bus operator shall use the flashing red warning lights when operating a school bus when pupils or other authorized passengers are loaded or unloaded directly from or onto the school grounds or that portion of the right-of-way between the roadway and the school ground on Clark St. from Brownell St. to Monroe St. and on Oak St. from Monroe St. to La Crosse St., which is an area designated by school warning signs as provided in the Wisconsin Statutes."

7.09 "SCHOOL BUSES, USE OF FLASHERS. School bus operators shall not use flashing red warning lights in the City, except where emergency conditions create a safety hazard to passengers or pedestrians or where the operator is prevented by traffic conditions from loading and unloading passengers immediately next to a curb. School bus operators are prohibited from using flashing red warning lights when pupils or other authorized passengers are loading or unloading directly from or on to the school grounds or that portion of the right of way between the roadway and the school grounds designated by "school" warning signs as provided in Section 118.08 (1) in which a street or highway borders the grounds of a school, pursuant to Section 349.21 (2) Wis. Stats., except where emergency conditions create a safety hazard to passengers or pedestrians."

The City of Tomah further enumerates in Traffic Code 7.20 "SCHOOL BUS WARNING LIGHTS. (1) Notwithstanding the provisions of S.346.48 (2) (b)2., Wis. Stats, as adopted by reference in Section 7.01 of this chapter to the contrary, school bus operators may use flashing red warning lights in residential and business districts when pupils or other authorized passengers are to be loaded or unloaded at locations at which there are not traffic signals and such persons must cross the street or highway before being loaded or after being unloaded."

The key phraseology is "...must cross the street or highway..." Similar verbiage is used in S346.48.

Here are some examples: North Glendale Avenue from the Canadian Pacific Railroad crossing to Arthur Street has no curb and sidewalk along the west side, however, on the east side curb and sidewalk is intermittent. We have a wheel chair student who lives in the 100 block of North Glendale. There is curb and sidewalk along the east side of the block where his residence is located. To the immediate north is Townline Road, which is a busy street that leads to Tomah's Industrial Park and to the immediate south is the Canadian Pacific Railroad crossing.

12/16/2003

Because there is not curb and sidewalk on **both** sides of North Glendale Avenue using the 4-way hazard lights for curbside pick up and discharge is precluded by state statute. Red warning lights are required by state statute which means the handicap school bus must remain in its lane of traffic with red warning lights deployed. Recently utility workers precluded using the driveway, traffic was backed up onto Townline Road and beyond the railroad crossing. This causes great concern because the procedure itself is **hazardous to the driver, student, traveling public and the school bus itself**. Added to the physical hazard is today's "road rage" phenomenon.

Sparta's Traffic Code would allow the use of 4-way hazard lights curbside discharge or pick up under the above scenario. Tomah's Traffic Code does not allow use of 4-way hazard lights. Does a municipal ordinance supercede a state statute?

Head Start regulations mandate bus routes must be configured to allow for service door side pick up and discharge. Where there is curb and sidewalk on both sides of the street state statute allows (with municipal approval) use of red warning lights **only** if students must cross the street. In the City of Tomah, we would be required to deploy 4-way hazard lights and pick up or discharge curbside. Because Tomah has many locations where curb and sidewalk are not in place on both sides of the street, theoretically, in the very next block that might not have curb and sidewalk on **both** sides of the street the driver would be required to remain in the lane of traffic and deploy the red warning lights. This would lead to a very confused driving public and very likely would work to the detriment of safety for all concerned.

Tomah's main street (Superior Avenue) is in part, a state highway with the remainder being a U.S. highway. The majority of Superior Avenue is a four (04) lane roadway. In a verbal arrangement with the Police Department, the Tomah Area School District has instructed our school bus drivers to limit picking up and discharging students on Superior Avenue and **ONLY** when necessary activate the 4-way hazard lights and pull next to the curb. If at all possible, drivers are instructed to use the alleys parallel to Superior Avenue to pick up and discharge students who live on Superior Avenue from Center Street on the south side to Arthur Street on the north side. The bulk of these riders are special needs or Head Start students.

There is a glaring lack of clarity as to when it is appropriate to use red warning lights per municipal ordinance versus state statutes particularly as it relates to wheel chair students/school buses. It is the safety of children that is paramount. However, the safety of the school bus drivers and public cannot be minimized. I believe further clarification/coordination is required when handicapped students are being transported in school buses as opposed to human services vehicles as spelled out in S346.475.

This office has discussed these concerns with Tomah's Chief of Police, Chris Anderson. He has discussed the issues with the City Attorney's office. Both offices seem to think Sparta's ordinance could be challenged as to its legality. (Personally, I feel it is what is needed to offer the bus driver an appropriate **safety option** given an immediate concern and I would believe that is how and why it was written and presented to the Sparta City Council for their approval.) Chief Anderson and City Counsel agree the matter of handicapped students riding a handicap/wheelchair lift **school bus** needs specific state statute language as to when red warning lights or 4-way yellow hazards lights should/can be used when picking up or discharging students within the confines of a municipality. The current statutes are devoid of this very serious safety issue.

Your assistance in assisting us to provide the safest student transportation possible is very much appreciated.

Sincerely,

Daniel M. Erickson
Transportation Supervisor
Tomah Area School District
(608) 374-7214

12/16/2003



WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director
Laura D. Rose, Deputy Director

TO: SENATOR JOSEPH LEIBHAM, CHAIR; AND MEMBERS OF THE SENATE
COMMITTEE ON TRANSPORTATION AND INFORMATION INFRASTRUCTURE

FROM: Don Salm, Senior Staff Attorney *DS*

RE: Analysis of 2003 Assembly Bill 161, Relating to the Use of a Flashing or Rotating Amber
Light on Certain Motor Trucks

DATE: December 12, 2003

This memorandum analyzes 2003 Assembly Bill 161, relating to the use of a flashing or rotating amber light on certain motor trucks. The bill was passed by the Assembly on a voice vote. The Senate Committee on Transportation and Information Infrastructure will hold a public hearing on the bill on **Wednesday, December 17, 2003, at 9:00 a.m., in Room 330 Southwest, State Capitol.**

CURRENT LAW

Current law:

1. Generally **prohibits** any vehicle from displaying **any flashing light**. Specific **exceptions** permit flashing lights to be displayed on police vehicles, fire engines, ambulances, school buses, mail delivery vehicles, highway maintenance vehicles, and other vehicles.

2. **Permits** certain vehicles, including police vehicles and tow trucks, to display rotating lights.
[s. 347.26, Stats.]

2003 ASSEMBLY BILL 161

The bill specifies that:

1. In addition to any other lamps authorized under s. 347.26 (11), Stats., a motor truck having a gross vehicle weight rating of **more than 26,000 pounds** may be equipped with a **360-degree flashing or rotating amber light** mounted at the highest practicable point.

2. The flashing or rotating amber lamp under item 1. **may be lighted only when:** (a) the motor truck is upon a highway having a maximum speed limit of more than 35 miles per hour; and (b) the motor truck is traveling 10 or more miles per hour below the maximum speed limit, is stopped, or is backing up on the highway. The flashing or rotating amber lamp may not be lit at other times.

If you have any questions, please feel free to contact me directly at the Legislative Council staff offices.

DLS:jal:tlw;wu